

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Nicholas Gerald GREY
Serial No.: To Be Assigned
Filed: Concurrent Herewith
Title: SURFACE CLEANING APPARATUS

**PETITION TO MAKE SPECIAL UNDER 37 CFR § 1.102(d)
ON THE BASIS OF ACTUAL INFRINGEMENT**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant requests that this application be examined on an expedited basis by way of grant of this Petition. This Petition is being filed with the application, which is a continuation of Serial No. 10/450,001, which is a national stage filing of International Application No. PCT/GB02/03309. Also enclosed with this petition are an executed Declaration and Power of Attorney, Application Data Sheet, filing fee, IDS, copy of the International Search Report (ISR), copy of the International Preliminary Examination Report (IPER) and the petition fee by set forth in 37 CFR § 1.17(h).

This request is based on actual infringement. Further to that regard, the undersigned states as follows:

1. It is believed that there is an infringing device or product actually on the market or method in use. In fact, the undersigned caused to be purchased the actual infringing device, and has attached a copy of the instruction booklet of that device.

2. A rigid comparison of the device believed to be infringing the claims of this application has been made against the claims, and in the opinion of the undersigned, some of the claims of this application are unquestionably infringed.

3. A careful and thorough search of the prior art has been made to the extent that that the various elements set forth in the claims of this application have been searched by the European Patent Office in the corresponding PCT application. For the convenience of the Examiner, a copy of the ISR and references cited therein are attached, including a copy of the IPER, which indicates that all claims as amended on in that application on February 12, 2003 were considered to be novel and have inventive step and industrial applicability. Further to that regard, independent claim 46 of this application substantially corresponds to independent claim 1 of the PCT application, as amended.

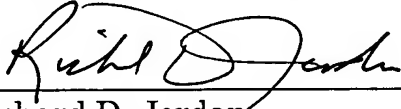
Grant of this Petition is earnestly solicited. Should any need arise, the undersigned can be contacted by telephone at 202-624-2544.

If there are any questions regarding this petition or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #100103/52494C1).

November 5, 2003

Respectfully submitted,

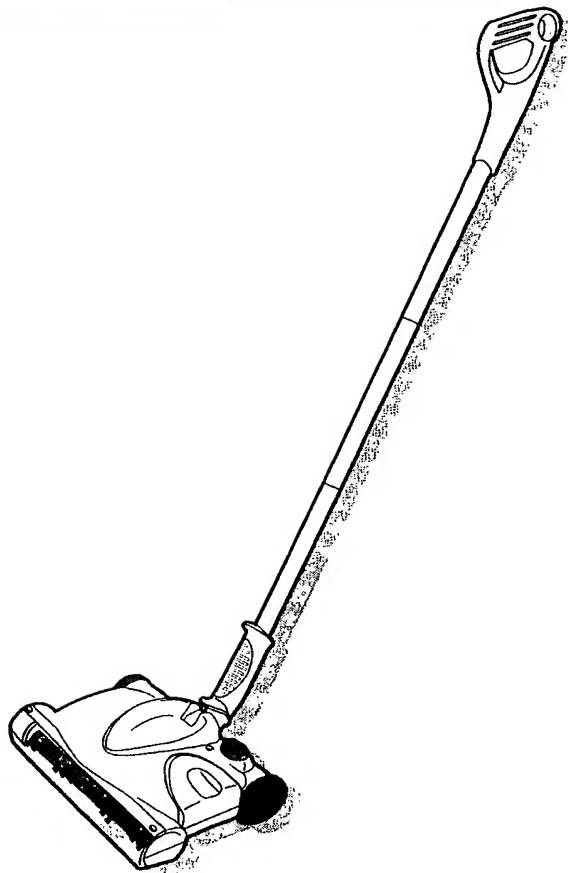

Richard D. Jordan
Registration No. 33,519

CROWELL & MORING, LLP
P.O. Box 14300
Washington, DC 20044-4300
Telephone No.: (202) 624-2500
Facsimile No.: (202) 628-8844
RDJ:tcv

MOTOKATA

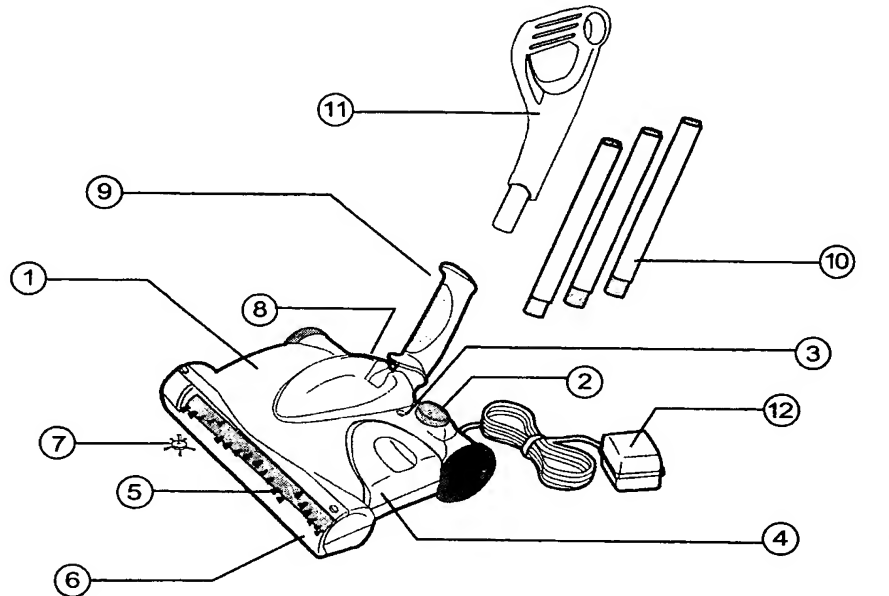
CORDLESS SWEEPER

INSTRUCTIONS FOR USE



**SAVE THESE INSTRUCTIONS
FOR FUTURE REFERENCE**

CORDLESS SWEEPER



- | | | |
|-----------------------------|------------------|--------------------------|
| 1. Main Unit | 5. Brush Roll | 9. Lower Handle |
| 2. On/Off Switch | 6. Front Visor | 10. Handle Tubes x 3 Pcs |
| 3. Charging Light Indicator | 7. Edge Wheel | 11. Upper Handle |
| 4. Dust Container | 8. Charging Jack | 12. Charging Adaptor |

NOTE: CORDLESS SWEEPER MODEL VS101 IS SUPPLIED WITH THE BATTERIES UNCHARGED. CHARGING OF THE UNIT FOR 16-20 HOURS PRIOR TO FIRST USE IS REQUIRED.

IMPORTANT SAFEGUARDS

To reduce the risk of fire, electrical shock, or injury when using an electrical appliance, basic safety precautions should always be observed, including the following

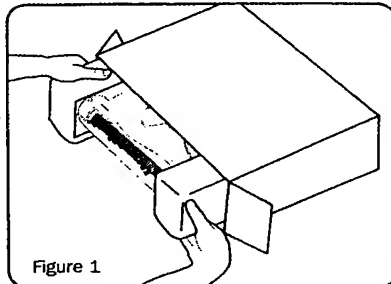
READ ALL INSTRUCTIONS BEFORE USING YOUR CORDLESS SWEEPER.

- Do not store or charge this unit outdoors.
- Do not use outdoors or on wet surfaces.
- This appliance is not intended for use by young or infirm persons without supervision. Never allow children to tamper or play with your MOTOKATA

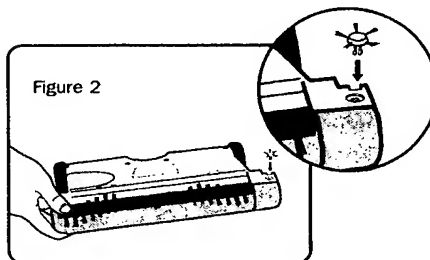
- Use only as described in this manual. Use only manufacturer's recommended attachments.
- Do not use with damaged cord or plug. Do not use cordless sweeper if it has been dropped, damaged, left outdoors, or dropped in water.
- Do not abuse the charger cord. Never carry the charger or base by the cord or yank to disconnect from an outlet; instead grasp the charger and pull to disconnect.
- Keep charger cord away from heated surfaces.
- This product includes rechargeable nickel cadmium batteries. Do not incinerate batteries or expose to high temperatures, as they may explode.
- Do not handle plug or appliance with wet hands.
- Do not put any object into openings. Do not use with any opening blocked; keep free of dust, lint, hair and anything that may reduce air flow.
- Keep hair, loose clothing, fingers, and all parts of body away from openings and moving parts.
- Do not pick up anything that is burning or smoking, such as cigarettes, matches, or hot ashes.
- Do not attempt to change accessories while unit is running.
- Use extra care when cleaning on stairs.
- Do not use to pick up flammable or combustible liquids such as gasoline or use in areas where they may be present.
- Look on your cordless sweeper and follow all label and marking instructions.
- Do not use charger with an extension cord. Plug charger directly into an electrical outlet. Use charger only in a standard (120V~60Hz) electrical outlet.
- Store the cordless sweeper indoors. Put the cordless sweeper away after use to prevent accidents.
- Leaks from battery cells can occur under extreme conditions. If the liquid, which is 20-35% solution of potassium hydroxide, gets on the skin - wash immediately with soap and water or neutralize with a mild acid such as lemon juice or vinegar. If the liquid gets into the eyes, flush them immediately with clean water for a minimum of 10 minutes and seek medical attention.
- Use only on dry, indoor surfaces.
- Do not use for any purpose other than described in this user's guide.
- Do not attempt to use the charger with any other product nor attempt to charge this product with another charger. Use only the charger supplied with this appliance.
- The battery must be removed from the appliance before it is scrapped.
- The battery is to be disposed of safely.
- The appliance must be disconnected from the supply when removing the battery.

SWEeper ASSEMBLY

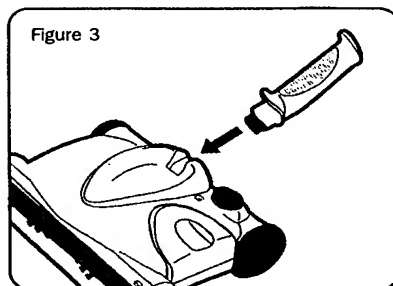
1. Unpack and remove the whole unit from packaging (fig.1).



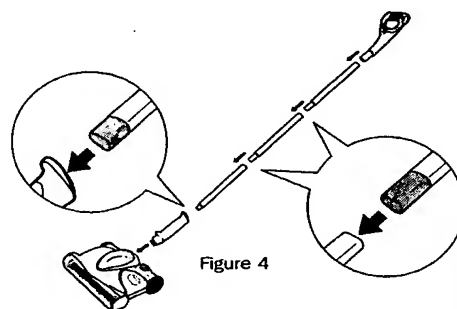
2. Fit the Edge Wheel (7) onto the bottom of the Main Unit (1), (fig.2).



3. Fit the Lower Handle (9) onto the Main Unit (1), (fig3).

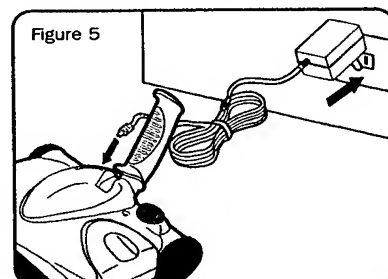


4. Push the Handle Tubes (10) and the Upper Handle (11) together (fig.4).



CHARGING THE CORDLESS SWEEPER

1. Connect the charger plug to the Charging Jack (8) on the back of the vacuum sweeper (fig.5). Plug the Charging Adaptor (12) into the wall outlet.



2. This cordless sweeper is powered by Ni-CAD batteries. Before first use, they must be charged for a minimum of 16 hours.
3. Once the batteries are fully charged, the sweeper will run for approximately 30 minutes before recharging is required.

4. When recharging, make sure the unit is in the Off position.
5. To recharge, repeat step no.1 above. Charging times will vary depending upon the amount of usage between charging cycles.
6. The Charging Light Indicator (3) on the top of the Main Unit (1) will illuminate to indicate that the sweeper is properly charging. Figure 4

NOTE: Peak performance may only be realised after the unit has been charged and discharged two or three times.

IMPORTANT: To maintain peak performance of your cordless sweeper, it is recommended that the unit be fully discharged, then completely re-charged at least once a month.

HOW TO OPERATE YOUR CORDLESS SWEEPER

1. Your cordless sweeper operates when the batteries are fully charged. Before using, please ensure that the cordless sweeper is initially charged for 16-20 hours.
2. Push the On/Off Switch (2) to operate the unit and push again to stop (fig.6).

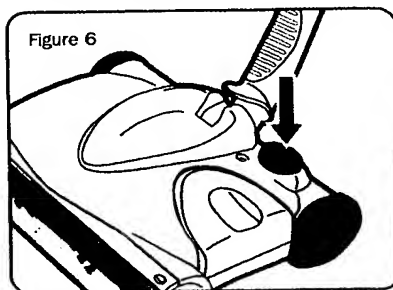


Figure 6

3. Park and release the Handle Tubes (10) to an optimum position (fig.7).

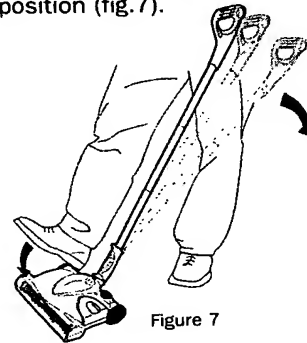


Figure 7

HANDHELD OPERATION

1. Remove the main handle (fig.8).

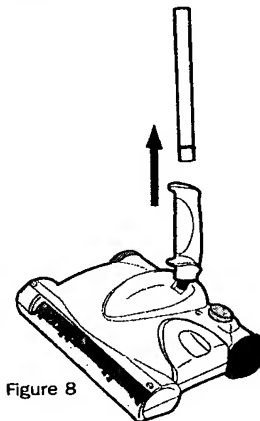


Figure 8

2. Fold forward the lower handle (fig.9).

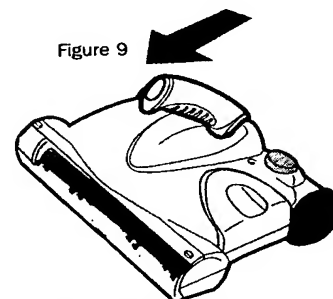


Figure 9

3. Remove the visor to clean the front surface of stairs* (fig.10).

*With the visor removed use only in backwards direction

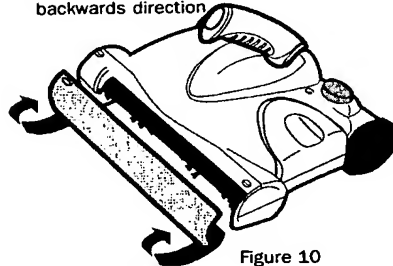


Figure 10

4. Do not use the product 'nose down' (fig.11).

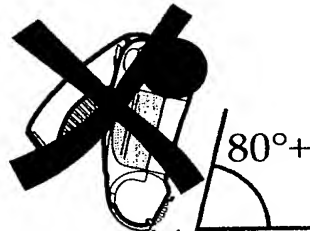


Figure 11

CLEANING THE DUST CONTAINER

To achieve the best performance, empty the Dust Container (4) after each use.

1. Pull out the Dust Container (4), (fig.12).

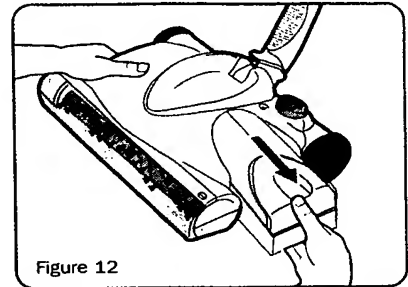


Figure 12

2. Empty dust from the Dust Container (4), (fig.13).

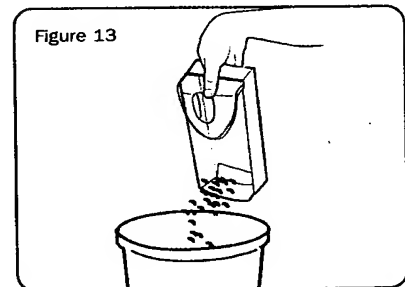


Figure 13

3. Place the Dust Container (4) back to the Main Unit (1).
4. Remove the Front Visor (6) to remove hair and fiber build up from the Brush Roll (5) and Edge Wheel (7), (fig.14).

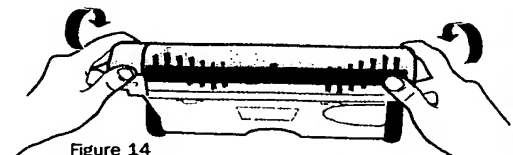


Figure 14

CAUTION: Do not accidentally turn the unit on while cleaning it.

CARE AND MAINTENANCE

1. Once per month clean the product with a dry cloth, including the chamber in which the Dust Container (4) fits and remove hair and fibre build up from the Brush Roll (5) and Edge Wheel (7).
2. Don't use abrasive materials to clean the product or immerse it in water.
3. Don't pick up liquids or use on wet floors.
4. Don't use on concrete, tar macadam or similar rough surfaces.
5. Don't pick up pieces of string or fabrics with the unit.
6. Don't clean rug tassels or frayed carpets with the unit.

CAUTION: Do not accidentally turn the unit on while cleaning it.

BATTERY REMOVAL

NOTE: If uncertain as to how to remove your battery pack, we suggest you take your sweeper to an authorised VAX Service Agent to have this service performed.

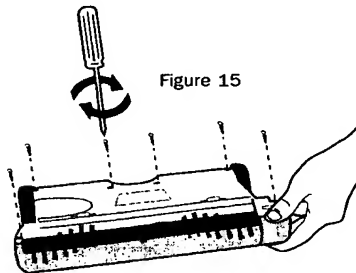


Figure 15

Follow these steps when battery removal is required.

1. Separate the Main Unit (1) housing by removing the screws located at the bottom of the Main Unit (fig.15). NEVER open the main unit housing except to dispose the battery when required.
2. Set aside the lower body housing and screws.
3. Carefully detach the two electrical connectors from the battery pack by pulling straight away from the battery.
4. Lift out the battery pack and set aside for disposal.

CAUTION: NEVER use the unit without the main unit housing cover in place.

BATTERY DISPOSAL

This cordless sweeper contains nickel-cadmium (Ni-CAD) batteries and must be disposed of properly. Call your nearest recycling centre for information on the recycling and disposal of nickel-cadmium (Ni-CAD) batteries.